

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Manuel Pineda Montoya

Elias FS

Case No. 23-850 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2023, to May 15, 2023 in the county of Eddy in the
 District of New Mexico, the defendant(s) violated:

Code Section

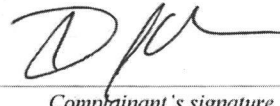
21 U.S.C. § 841

Offense Description

Possession with intent to distribute approximately 7.28 kilograms of methamphetamine and 4.01 kilograms of fentanyl, and Distribution of approximately 1.5 kilograms of methamphetamine and 186.8 grams of fentanyl.

This criminal complaint is based on these facts:

See attached "Affidavit"

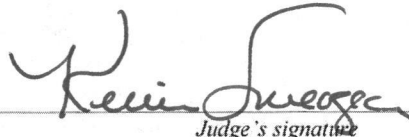
☒ Continued on the attached sheet.


Complainant's signature

Daniel Ortiz, HSI Special Agent

Printed name and title

Electronically submitted and telephonically Sworn to before me.

Date: 05-17-2023


Judge's signature

City and state: Las Cruces, New Mexico

Kevin R. Sweazea, United States Magistrate Judge

Printed name and title

United States of America

V.

Manuel Pineda Montoya

I, Daniel Ortiz, Affiant, being duly sworn, state that the following information is true and correct to the best of my knowledge and belief:

Beginning in early 2023, agents received information from a confidential source (CS) about Manuel Montoya's drug trafficking activities. The CS advised Montoya was distributing large amounts of methamphetamine, cocaine, and fentanyl in Carlsbad and Artesia, New Mexico (NM), and the surrounding areas.

Based on that information, in April 2023, the CS telephonically negotiated with Montoya to purchase one pound of methamphetamine and 1,000 fentanyl pills. After coordinating the amount, the CS met Montoya in Artesia, NM. During the transaction, surveillance agents observed Montoya arrive at the meet location in a white Chevrolet Suburban. Upon arriving, the CS got into the passenger seat of Montoya's vehicle. While in the vehicle, Montoya provided the CS with one bundle wrapped in clear plastic covering containing approximately .5 kilograms (gross weight) of a clear crystal-like substance and one clear plastic Ziploc baggie containing approximately 186.8 grams (gross weight) of blue oval shaped pills with "M" inscribed on one side and "30" inscribed on the other. In exchange for the methamphetamine and fentanyl pills, the CS provided Montoya with \$4,000 of U.S. Currency. Following the transaction, the clear crystal-like substance field tested positive for the properties and characteristics of methamphetamine.

In May 2023, the CS again telephonically negotiated with Montoya to purchase one pound of methamphetamine and 1,000 fentanyl pills. During the conversation, Montoya told the CS that he did not currently have fentanyl pills, but had additional methamphetamine. Montoya agreed to sell the CS two pounds of methamphetamine for \$4,400. After agreeing on the amount and price, the CS met with Montoya at Montoya's residence in Carlsbad, NM. While at Montoya's residence, Montoya provided the CS with one bundle wrapped in clear plastic covering containing a clear crystal-like substance and one Ziploc baggie concealed in a clear plastic heat seal bag containing a clear crystal-like substance. The two packages weighed approximately 1.0 kilograms (gross weight). In exchange for the methamphetamine, the CS provided Montoya with \$4,400 of U.S. Currency. Following the transaction, the clear crystal-like substances in both packages field tested positive for the properties and characteristics of methamphetamine.

On May 7, 2023, agents with DEA received information that Montoya was traveling from Albuquerque, NM to Carlsbad, NM, with what agents believed to be a significant amount of fentanyl pills. Based on that information, agents, with the assistance from GPS location data on Montoya's cell phone, confirmed that Montoya was traveling back to Carlsbad, NM. At approximately 8:30 p.m., agents established surveillance along Highway 285 in Roswell, NM in an attempt to intercept Montoya. Agents believed that Montoya was driving a white Chevrolet Suburban, which Montoya had previously used when Montoya sold drugs to the CS in April 2023. At approximately 9:26 p.m., surveillance agents located the white Chevrolet Suburban

traveling south through Roswell, NM. At approximately 11:34 p.m., as Montoya entered Eddy County, an Eddy County Sheriff's Office (ECSO) Deputy and a Carlsbad Police Department (CPD) Officer conducted a traffic stop on the vehicle. During the traffic stop, Montoya and three other individuals were located inside the vehicle. A CPD K-9 was utilized to conduct an open-air sniff of the vehicle. During the sniff, the K-9 alerted to the presence of narcotics inside the vehicle. During a subsequent search, law enforcement located, inside a suitcase and nylon bag in the back-compartment area of the vehicle, six Ziploc baggies containing approximately 3.8 kilograms (gross weight) of blue oval shaped pills with "M" inscribed on one side and "30" inscribed on the other. Law enforcement also located approximately 30 grams of a clear crystal-like substance - methamphetamine, two handguns, and \$11,721 in United States Currency from inside the vehicle. In order to further the investigation, Montoya and all passengers were released.

On May 10, 2023, agents with DEA again received information that Montoya would be traveling from Albuquerque, NM to Carlsbad, NM, with what agents believed a distributable amount of drugs. Agents also learned that Montoya was driving a BMW 328i car. Based on that information, agents, with the assistance from GPS location data on Montoya's cell phone, confirmed that Montoya was in Albuquerque, NM. Agents continued to monitor his location throughout the evening hours of May 10, 2023, and into the early morning hours of May 11, 2023. At approximately 2:33 a.m., based on GPS location data, agents confirmed that Montoya had left Albuquerque and was traveling in the direction of Carlsbad, NM. Based on that information, agents established surveillance along Highway 285 north of Roswell, NM. At approximately 4:04 a.m., surveillance agents located the BMW as the vehicle was traveling south on Highway 285 into Roswell, NM. Surveillance agents followed the vehicle as it continued to travel south towards Carlsbad, NM. At approximately 5:07 a.m., as the vehicle entered Eddy County, NM, ECSO and CPD conducted a traffic stop on the vehicle. During the traffic stop, Montoya was identified as the driver of the vehicle, and there was one adult male passenger. A CPD K-9 conducted an open-air sniff of the vehicle. During the open-air sniff, the K-9 alerted to the presence of narcotics inside the vehicle. During a subsequent search of the vehicle, law enforcement located and seized approximately 1,782 grams of methamphetamine, 80 grams of cocaine, 2.2 grams of fentanyl powder, 212 grams of fentanyl pills, and 1180 grams of high-grade marijuana from two hard cases in the trunk area of the vehicle. Law enforcement also located one stolen handgun underneath the passenger seat. Montoya and his passenger were both released in order to further the investigation.

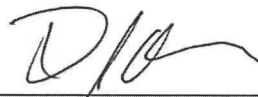
On May 15, 2023, agents with DEA once again received information that Montoya would be traveling from Albuquerque, NM to Carlsbad, NM with a large amount of methamphetamine. Based on that information, agents, with the assistance from GPS location data on Montoya's cell phone and surveillance agents in Albuquerque, confirmed that Montoya was in Albuquerque, NM. During surveillance, agents located Montoya and his BMW at a smoke shop. After leaving the smoke shop, agents attempted to follow Montoya but were unsuccessful as Montoya conducted "heat runs," which is where an individual makes multiple turns, slows down and speeds up, switches lanes, and drives into and out of parking lots in order to see who is following them, specifically law enforcement. However, Montoya's location was continued to be monitored through GPS location data. Agents were able to confirm that Montoya was traveling south on I-25 out of Albuquerque. Montoya then began to travel west on Highway 380. As

Montoya began to travel on Highway 380, surveillance agents again located his BMW. Agents maintained surveillance of Montoya as Montoya pulled into a gas station in Carrizozo, NM. While at the gas pump, law enforcement contained Montoya's vehicle and arrested him without incident. During a subsequent search of the vehicle, agents located a clear crystal-like substance inside a purple bag that was inside a cardboard box. The clear crystal-like substance weighed approximately 5.5 kilograms (gross weight) and later field tested positive for the properties and characteristics of methamphetamine.

During a post arrest interview, Montoya admitted to picking up the methamphetamine that was located inside the trunk of his BMW in Albuquerque, NM. Montoya was unsure the exact amount but knew it was methamphetamine. Montoya also admitted to picking up the methamphetamine and fentanyl from the May 7, 2023, and May 10, 2023, incidents. Montoya admitted that once he picked-up the drugs in Albuquerque, NM, he would then transport them back to Carlsbad, NM where he would drop them off at a location.

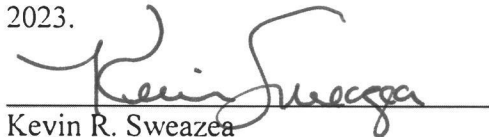
Based on the above, I believe in May 2023, Montoya did to possess with the intent to distribute approximately 7.28 kilograms of methamphetamine and approximately 4.01 kilograms of fentanyl in violation of Title 21 U.S.C. § 841. Furthermore, in April and May of 2023, I believe that Montoya distributed approximately 1.5 kilograms of methamphetamine and approximately 186.8 grams of fentanyl in violation of Title 21 U.S.C. § 841.

AUSA Renee Camacho accepted federal prosecution of Montoya.



Daniel Ortiz
Special Agent
Homeland Security Investigations

Electronically submitted and telephonically
Sworn to before me on this 17 day of May,
2023.



Kevin R. Sweazea
United States Magistrate Judge